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Viewing cable 09NICOSIA305, CYPRUS TALKS AND THE ORAMS CASE: CRISIS

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Reference ID	Created	Released	Classification	Origin
09NICOSIA305	2009-05-07 12:38	2011-08-30 01:44	CONFIDENTIAL	Embassy Nicosia

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C O N F I D E N T I A L SECTION 01 OF 03 NICOSIA 000305

SIPDIS

STATE FOR EUR/SE AND IO/UNP

E.O. 12958: DECL: 05/06/2019
TAGS: [PREL](#) [PGOV](#) [UNFICYP](#) [CY](#)
SUBJECT: CYPRUS TALKS AND THE ORAMS CASE: CRISIS
AVERTED, TALKS TO INTENSIFY

REF: A. NICOSIA 257
[1](#)B. NICOSIA 301

Classified By: AMB F URBANCIC FOR REASON 1.5 B AND D

11. (C) Summary. On May 5, the first meeting between the Greek Cypriot(GC) and Turkish Cypriot(TC) leaders since the European Court of Justice (ECJ) made known its decision in the Orams property case went well, according to Turkish Cypriot (TC) lead negotiator Ozdil Nami. TC Leader Talat stood up to domestic pressure to walk away from the talks, but settlement skepticism in the north continues grow. The TCs are pushing for the talks to conclude by end-2009 and proposed a timetable Republic of Cyprus (RoC) President Christofias says he can meet, if his TC counterparts are "more flexible." Talat and Christofias agreed to have their negotiators meet more frequently to generate the increased momentum called for in the April 30 UNSC presidential statement. The talks were close to melt down prior to the May 5 Leaders meeting. If they had fallen apart, the only actor in a position to save them would have been UNSA Alexander Downer - currently in Australia until on/about May 18. There will be more bumps on the road in these talks. Unless Downer is present here much more time at least in June-July and from September until the end, we believe:

- 1) It will be very difficult to finish the talks by years' end; and
- 2) Some bump down the road could quash the talks irreparably while Downer is away.

End Summary.

13. (C) A surprisingly upbeat Ozdil Nami told the DCM on May 5 that a meeting earlier in the day between the leaders and their chief negotiators "went well" and that "the (Orams) crisis is avoided for now." The Leaders' meeting was unusual as no UN representative was present - just the leaders, their chief negotiators and Christofias' interpreter (his son-in-law to be). Nami said the leaders evaluated the Orams decision and conducted an overview of the negotiations. The problem now was less the substance of the discussions than public opinion in the wake of Orams- sagging in the TC Community and gloating among the GCs. While Talat could not get Christofias to make a joint statement on the need to settle property issues at the negotiating table rather than through individual lawsuits (not wanting to "dilute" the ECJ judgment), Nami believed Christofias did promise to make his own statement to that effect. (Christofias told the press on May 5 that the Orams decision "confirms the correctness of the GC position" but also said that property issues will continue to be discussed at the negotiations.)

Need to Manage Public Opinion, On Both Sides

14. (C) Talat asked Christofias to stop publicly claiming Orams as a victory vindicating GC views on property, given the growing settlement skepticism among the TC public (most recently reflected by the hardline UBP victory in April 19 "parliamentary" elections). This was unhelpful, Nami said. The TCs basically agreed with the GCs on individual ownership rights (and had a functioning mechanism- the "property commission" - that had already restituted land to several GCs). The ECJ ruling is not about that, he said. It is about the EU's right to have an RoC court ruling applied in the UK - which is consistent with EU regulations. The TCs told Christofias their problem is not the ECJ ruling. It was the impact on public opinion. TCs are losing confidence in the talks and do not trust that the GCs are making a good faith effort at the negotiating table because they see GCs going around the process via the courts. This was undermining the talks. Christofias agreed that court cases and lawsuits were not the way to move forward and responded that the ECJ decision actually makes his life more difficult as well, as GC hardliners will even more closely question any concessions he makes to the TC side, GC expectations about the final shape of a settlement may now be even more unrealistic, Nami said.

Talks to "Intensify"

15. (C) Nami reported that Christofias and Iacovou agreed to TC pleas to "intensify" the rate of the talks in order to re-establish momentum. Nami and Iacovou will meet May 6 and three times the following week, and Nami hopes this means that the leaders will also meet more frequently (the next leaders meeting is scheduled for May 14). Talat told Christofias his target is to finish a first reading of all the issues by early June, review progress and narrow differences through July, take August off, then start the give and take in September with completion and referenda by December, and that he wanted to agree on a framework to meet that timeline. Christofias rejected any framework but agreed to increase momentum and said this schedule was achievable "if you (the TCs) show flexibility." Nami noted that Christofias did not seem well prepared for the meeting (he appeared not to have studied or been briefed on some technical aspects of working level talks that required his support - which he was reluctant to give - resulting in taking the leaders' time going over the technical details). Nami said it was clearly not just flexibility by both sides that was needed, but also a greater GC willingness and commitment to do the hard work, including their own internal preparation for such meetings, needed to bring things together.

Downer Needs to be Here

16. (C) Nami said the TCs used the April 30 United Nations Security Council Presidential Statement (PRST) to support their call for an "increase in the momentum of the negotiations." That reference to the PRST language apparently infuriated Christofias who railed against "foreign interference", apparently naming certain individuals-which ones Nami didn't say- and insisting he didn't care what outsiders, say, do or want. Nami also told us he believed that Downer needed to spend more time on island, and ideally be resident here, to prod the parties along, and that he had told Downer so when they spoke on May 4. "His presence helps" Nami told us emphatically.

Eroglu On Side, So Far

17. (C) When asked about newly-elected "TRNC Prime Minister" Dervis Eroglu's desire to have a representative in the settlement negotiations, Nami said Talat had told Eroglu that he, Talat, was and would remain in charge of the talks for the TCs. There is a system for briefing the "government" leadership on the talks, Nami explained, and it would be used for Eroglu's benefit as it had been for his predecessor. Eroglu is apparently willing to go along with this for now. The briefing on the May 5 session will be something of a test case. Nami knows well and likes the new "foreign minister" (Huseyn Ozgurgun), whom he pointed out the Embassy had sent to the U.S. on a Visitors Program, and expected to work well with him. He said he hoped Ozgurgun's appointment was a sign that Eroglu did not want to be disruptive to the talks.

18. (C) Nami said that Talat greatly appreciated the good will shown by the US in the invitation to meet Secretary Clinton. Nami suggested that more progress could be made and TC attitudes towards the talks improve if the P-5 "took a more unified approach." He also suggested that early discussion of a donor's conference to fund the cost of a settlement would help make a positive outcome a more realistic prospect to TCs. He recommended "turn up the heat" on the GCs by telling Christofias that while there may be no time table, there was a clear trend. Without a solution, Talat would be replaced as leader next April by a hardliner (probably Eroglu), and the talks would end. He urged us to use the "very helpful, excellent language" from the April 30 UNSC PRST to stress that we expect "decisive progress in the near future" and for the talks to conclude this year.

Christofias Refuses to Acknowledge "Progress"

¶9. (C) Nami remains frustrated by Christofias' slow and careful approach, and his unwillingness to say positive things about the talks in public. For example, Nami related with exasperation that Christofias refused to use the word "progress" in the statements worked on May 5. The TCs had wanted to note the "good progress" of the talks, but Christofias would only agree to "work done". Talat replied "you are the president, you should be more forceful!" Christofias then told Talat "I have my problems. Respect my situation." Nami also objected to the GC side's continuing tactics of preventing visiting dignitaries from meeting with Talat in his office, attacking Turkey (Nami said it is silly for the GCs to blame Turkey for inability to agree on arrangements for electing the federal executive or on property. "All Turkey cares about are security and guarantees," and those issues have not been touched yet), and inhibiting the EU assistance program. Nami said that the Orams decision had been a heavy blow from which it took the TCs a couple of days to recover. Talat now agrees that talks must proceed. "The problem is" said Nami, "we don't know how many more blows like this we can absorb."

¶10. (C) Comment: The Orams decision pushed the Cyprus talks to the brink of a crisis, with Talat already smarting from rejection in local polls and now under pressure from the newly elected UBP leadership to leave the talks. Strong support from the U.S., the UK and Downer helped keep him at the table. However, the TCs are badly battered and Talat, while still personally popular, is losing TC public support for the negotiations as GCs continue to claim EU has vindicated their position on property. Nami believes that we and the rest of the P-5 should use the April 30 UNSC PRST to "challenge the leaders to move faster" and start talking about "concrete targets" as a means of "turning up the heat on both sides" without pushing the GC Cypriot hot button of "asphyxiating timetables."

¶11. (C) Comment continued: Most importantly, UN Special Advisor Downer needs to spend more time on the island. His presence during this crisis could have lowered the pressure on Talat, provided a neutral voice the media could turn to for comment and reassured TC public opinion. There needs to be a neutral party both sides can turn to at critical moments who can take decisive corrective action, and there is no one else who can fill that role in Cyprus. Ambassador Urbancic will raise these issues with Downer when the SYGSA returns to the island. End Comment and ACTION REQUEST.

Urbancic